

REMARKS

In Sections 2 and 3 of the Office Action, the examiner has rejected claim 13 of the application under 35 USC §112 as indefinite, stating that there is insufficient antecedent basis for the limitation “the pallet stop” to which claim 13 refers. Claim 13 previously depended directly from claim 10, but is now amended to depend from claim 11 which, in turn, depends from claim 10. Claim 11, as amended, reads:

“The carrier of claim 10 further comprising a pallet stop adjacent
the loading edge of the base”

As such, claim 11 provides sufficient antecedent basis for the recitation “the pallet stop” in claim 13, and reconsideration and withdrawal of this ground for rejection of claim 13 is respectfully requested.

In Sections 4 and 5, the examiner has rejected claims 10-12 under 35 USC §102(b) as anticipated by U.S. Patent No. 2,683,010 to Hamerslag, Jr. (“Hamerslag”). However, this reference does not anticipate claims 10-12 of the present application. Rather, one object of Hamerslag is:

“to provide a novel pallet and spacing member which will permit
the stacking of two or more pallets one above the other without
removal of the loads therefrom,” col. 1, lines 31-35.

A further object of Hamerslag is:

“to provide a pallet-spacing device which may be collapsed when
not in use and stored with the pallets with a minimum of storage
space requirements,” col. 1 lines 36-39.

To this end, as shown in Figs. 1 and 2 of Hamerslag, the lift truck pallet thus comprises a plurality of boards 20, 21 that form the upper surface of the pallet, with channels or slots extending longitudinally and laterally through the surface of the pallet for receiving the lower edges of the panels 11, 12. The examiner has argued that the spaces between these boards 20, 21 form fork channels. Applicant respectfully disagrees. There is no suggestion or teaching in the patent that the gap between boards is adapted for use as a fork channel, nor is it likely to be of sufficient width and depth to serve as such. Moreover, with the panels 11, 12 mounted on the

pallet, the blades of a fork lift could not be extended more than half way across the pallet, as one of the panels 12 blocks the gap.

Moreover, Claim 10, as amended, provides that the carrier include “a connector connected to the base and extending upward therefrom” that is completely absent from Hamerslag. The examiner has argued that the angle between the top board 20 and the side runner 16 forms a connector that is capable of receiving a lifting device. Again, applicant respectfully disagrees. While a lifting device may engage this portion of the pallet to lift it, the angle doesn’t actually form a connector within the meaning of that term. Furthermore, as the indicated members 16, 20 form part of the base, the angle is in no wise upstanding from the base, as is the case, for example, with the connectors of the carrier 50 of Fig. 4, or the cables 132 of the carrier 110 of Fig. 11A.

Hamerslag, of course, contains no such teaching or suggestion of such a connector, and it would not be obvious to combine the teachings of Hamerslag with another patent to create a device as defined in Claim 10. First of all, to so modify the device of Hamerslag would be contrary to the objects of Hamerslag as recited above. The panels 11, 12 cannot constitute the connector as they are specifically intended to be removable, collapsible and storable with the pallets “with a minimum of space requirement,” col. 2, lines 36-37. Upward extending connectors might interfere with such storage. The pallets with the panels 11, 12 mounted thereon are intended, moreover, for stacking one atop the other, as shown in Fig. 7, a task that can be accomplished by a lift truck and that does not require a connector connectable to an overhead lifting apparatus. Applicant thus submits that claim 10, as amended, is in allowable form.

Claims 11-13 are dependent, directly or indirectly, on claim 10 and are, for that reason, also distinguished from and allowable over the cited art. These claims also further distinguish the carrier of claim 10 from the device of Hamerslag. Claim 11, for example, further defines the carrier as including a pallet stop. No such structure is found in Hamerslag.

In Section 8 of the Office Action, the examiner objects to claims 14 and 15 as being dependent upon a rejected base claim, but states that the claims would be allowable if rewritten in independent form. Claim 14 has been amended to independent form, and claim 15 is dependent on claim 14. These claims remain allowable and are in allowable

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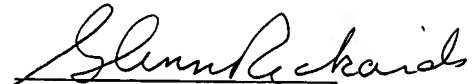
form for reasons set forth with respect to claim 10.

Accordingly, all claims of the application are in allowable form, and reconsideration and withdrawal of the objection to and rejection of the claims is respectfully requested.

Respectfully submitted,

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